

## **MINUTES**

**CITY OF WARR ACRES  
REGULAR CITY COUNCIL MEETING  
TUESDAY  
OCTOBER 20, 2009  
6:00 P.M.**

### **ROLL CALL**

#### **PRESENT**

Mayor Patrick Woolley  
Vice-Mayor Nancy Olson  
Councilman Dean Johnson  
Councilman Phil Owens  
Councilman David Dirkschneider  
Councilwoman Cathy Maxey  
Councilman Doug Davis  
Councilman Christian Portwood

#### **ABSENT**

Councilman Michael Gossman

### **STAFF PRESENT**

Matthew Love, City Attorney  
Roger Patty, Police Chief  
Rob Carter, Fire Chief  
Mike Turman, Public Works Director  
Jenell Robertson, Asst. City Clerk

1. Call to order, Declaration of a quorum, Flag Salute and Invocation.

Mayor Woolley called the meeting to order at 6:02 p.m. and declared a quorum present. Flag Salute let by Fire Chief Carter and Invocation was given by Councilman Portwood.

2. Presentation to Lt. Matt Berger of a 20 year service pin and presentation to Attorney Robert Jernigan.

Mayor Woolley presented a 20 year pin to Lt. Matt Berger. He also presented a plaque to Attorney Robert Jernigan.

3. Call to the Public.

Lois Meiers, 6311 N. W. 34<sup>th</sup> Street, spoke about the Community Center.

Ray Rice, Affairs Manager with O. G. & E., spoke about franchise taxes. He also stated the City of Warr Acres received approx. 600,000 kilowatt hours of free electricity (about \$56,000.00 worth). Mr. Rice discussed tree planting, pruning of trees and reliable power from O. G. & E. Richard Horton, Vegetation Management for O. G. & E., spoke about how important it was for O.G. & E. to keep trees cut away from power lines. Ms. Erica Stockton, Forrester for O.G. & E., stated that the more trees that were cut away from power lines the faster O.G. & E. could get the power back on in an emergency.

Barbara Harris, 5917 N. W. 43<sup>rd</sup> St., stated that Jan Blake was a finalist for the Volunteer Achievement Award. She handed out invitations to the award's ceremony.

4. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #5.

A. Approval of the minutes from the Regular meeting of September 15, 2009.

B. Approval of Expenditures	General Fund	\$128,964.03
	CIP Fund	\$ 5,940.78
	Sew Line Maint. Fund	\$ 21,385.00
	PST Fund	\$ 15,631.85

C. Approval of Actual Expenditures for September 2009 and Proposed Expenditures for October 2009.

D. Sales Tax History Report.

E. Approval to surplus one Xerox XTC-1 Copier, Serial #KM9039561 and one Police Unit, 2000 Ford Crown Vic, VIN#2FAFP71W4YX197856.

5. Discussion and possible action on items removed from the consent docket.

Councilman Owens removed Item A. from the Consent Docket.

Motion by Councilman Johnson, seconded by Councilwoman Olson to approve Items B., C., D., and E., on the above Consent Docket. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Maxey, yes; Davis, yes; Olson, yes; Portwood, yes. Motion passed unanimously.

Motion by Councilman Johnson, seconded by Councilman Portwood to approve Item. A. (Minutes from regular City Council meeting of Sept. 15, 2009). Poll vote: Woolley, yes; Johnson, yes; Owens, abstain; Maxey, yes; Davis, abstain; Olson, yes; Portwood, yes. Motion passed.

6. Receive reports from Staff: Police Chief, Fire Chief, City Clerk, City Attorney, Public Works Director, City Engineer, and City Planner.

Police Chief Patty stated the new police car would be on the road by the end of the week.

Fire Chief Carter stated the 1985 Fire Engine #24 and the old sirens had been sold.

Pub. Works Director, Mike Turman, stated some surplus equipment was sold on the website (over \$8,000), ordered two new pickups and hired one new employee for the Street Dept. Mike also stated resurfacing some City streets will be starting soon.

Scott Barrett discussed plans that had been turned into ODOT, the Public Information Meeting, and energy efficiency grants.

Councilman Dirkschneider entered meeting at 6:30 p.m.

7. Final Public Hearing and possible action on a sign variance for an electronic message board for Allied Automotive located at 5811 NW 63<sup>rd</sup>.

Motion by Councilman Owens, seconded by Councilman Davis to close the Public Hearing. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Maxey, yes; Davis, yes; Portwood, yes; Olson, yes. Motion passed unanimously.

Motion by Councilman Maxey, seconded by Councilman Davis to approve a sign variance for an electronic message board for Allied Automotive located at 5811 N. W. 63<sup>rd</sup>. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Maxey, yes; Davis, yes; Portwood, yes; Olson, yes. Motion passed unanimously.

8. Discussion and possible action on a tort claim filed by Hellen Vann that OMAG has recommended for denial.

Attorney Matt Love stated that because the temporary employee was a contract employee, the City was not liable for any damage done to Hellen Vann's vehicle. OMAG (City's insurance company) denied the claim based on this information.

Motion by Councilman Owens, seconded by Councilman Dirkschneider to deny the Tort Claim filed by Hellen Vann. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Maxey, no; Davis, yes; Portwood, yes; Olson, yes. Motion passed.

9. Discussion and possible action on the Community Center rental rates.

Discussion among Councilmembers that current rates will remain in effect until the Community Center is completed with projects (heat and air, doors, etc.). After that time, rates will be increased.

Motion by Councilman Owens, seconded by Councilman Johnson that any long term contracts that are signed and paid for before December 31, 2009, can be only renewed for the year 2010 for \$15.00 per hour (current rate). Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Maxey, no; Davis, yes; Portwood, yes; Olson, yes. Motion passed.

10. Discussion and possible action on paying OMRF \$45,717.94 for the DB and DC plans to correct the miscalculated contributions.

Motion by Councilman Owens, seconded by Councilman Portwood to approve paying OMRF \$45,717.94 for the DB and DC plans to correct miscalculated contributions. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Maxey, yes; Davis, yes; Portwood, yes; Olson, abstain. Motion passed.

11. Discussion and possible action on approving the final payment to Traffic & Lighting Systems for the 63<sup>rd</sup> and Grove Signal Improvements.

Motion by Councilman Dirkschneider, seconded by Councilman Davis to approve the final payment to Traffic and Lighting Systems for the 63<sup>rd</sup> and Grove signal improvements. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Maxey, yes; Davis, yes; Portwood, yes; Olson, yes. Motion passed unanimously.

12. Discussion and possible action approving an agreement with OKC for the 63<sup>rd</sup> Street Overlay Project. (STP-STIM (420) AG)

Motion by Councilman Johnson, seconded by Councilman Davis to approve an agreement with Oklahoma City for the 63<sup>rd</sup> Street Overlay Project. (STP-STIM (420) AG). Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Maxey, yes; Davis, yes; Portwood, yes; Olson, yes. Motion passed unanimously.

13. Discussion and possible action on accepting the bids for the 2009 Street Rehabilitation Project ST-004 and award the contract to the lowest qualified bidder as recommended by the City Engineer.

Engineer Scott Barrett stated that there were 8 bidders. It was his recommendation to award the contract to Rudy Construction for \$385,287.94.

Motion by Councilwoman Olson, seconded by Councilwoman Maxey to award the bid for the 2009 Street Rehabilitation Project ST-004 to Rudy Construction for \$385,287.94. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Maxey, yes; Davis, yes; Portwood, yes; Olson, yes. Motion passed unanimously.

14. Discussion and possible action on Items 14 A. through E. concerning the Pines Dam Rehabilitation project.

- A. Accept the construction as recommended by the City Engineer.
- B. Approve the release of the construction bond posted by the contractor.
- C. Accept the maintenance bond posted by the contractor by the city and placed into effect.
- D. Authorize payment of final funds due Cimarron Construction from the city.
- E. Authorize the release of the funds escrowed by the Homeowners Association and accept payment in amount of \$28,205. Any funds remaining in the escrow once everyone is paid should be authorized to be refunded to the Homeowners Association.

Motion by Councilman Maxey, seconded Councilwoman Olson to A. Accept the construction as recommended by the City Engineer; B. Approve the release of the construction bond posted by the contractor; C. Accept the maintenance bond posted by the contractor by the city and placed into effect; D. Authorize payment of final funds due Cimarron Construction from the city; E. Authorize the release of the funds escrowed by the Homeowners Association and accept payment in amount of \$28,205. Any funds remaining in the escrow once everyone is paid should be authorized to be refunded to the Homeowners Association. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Maxey, yes; Davis, yes; Portwood, yes; Olson, yes. Motion passed unanimously.

15. Discussion and possible action on adopting Resolution No. 451, standards for Construction Site Runoff and Post Construction Site Runoff as required by state and federal mandates.

Motion by Councilman Owens, seconded by Councilman Dirkschneider to adopt Resolution No. 451, standards for Construction Site Runoff and Post Construction Site Runoff as required by state and federal mandates. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Maxey, yes; Davis, yes; Portwood, yes; Olson, yes. Motion passed unanimously.

16. Discussion and possible action on an Ordinance amending the City's OMRF retirement plan.

Attorney Matt Love stated that this ordinance would allow contributions on regular pay and not overtime pay.

Motion by Councilman Owens, seconded by Councilman Portwood to approve Ordinance #1078 amending the City's OMRF (Oklahoma Municipal Retirement Fund) retirement plan not to allow overtime as part of the contributions. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Maxey, yes; Davis, yes; Portwood, yes; Olson, yes. Motion passed unanimously.

17. Consideration and possible action for the City Council to accept the public improvements for Cherokee Crossing Phase 1, including the streets, water mains, sanitary sewer mains, storm water, and paving, but not to include the detention pond.

Attorney Matt Love explained that the detention pond was the responsibility of the homeowners association. Jim Kelly stated he appreciated the efforts made by the City to help get this project underway.

Motion by Councilman Johnson, seconded by Councilman Dirkschneider to accept the public improvements for Cherokee Crossing Phase 1, including the streets, water mains, sanitary sewer mains, storm water, and paving, but not to include the detention pond. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Maxey, yes; Davis, yes; Portwood, yes; Olson, yes. Motion passed unanimously.

18. Discussion and possible action on approval on a new Warr Acres flag.

Discussion among Councilmembers reference flag #15, #16, #17 and the sketch with the state seal on it. It was decided that Councilman Johnson (and helpers) would make a few changes and bring back to the City Council for the City Council's approval.

19. Questions and Comments from Council members.

Councilman Davis – none.

Councilwoman Maxey – said thank you for starting to fix the streets in Warr Acres.

Councilman Portwood – none.

Councilwoman Olson – none.

City Attorney Love – none.

Mayor Woolley – stated he appreciated the order of the Council and thanked the City Council for their hard work.

Councilman Johnson – decals were being printed for Warr Acres' businesses.

Councilman Owens – none.

Councilman Dirkschneider – none.

20. Discussion and possible action concerning contract negotiations for FY 2010 with FOP Lodge #145, and IAFF Lodge #2374 and the City of Warr Acres, including discussion and action on entering into Executive Session as allowed under 25 O.S. Supp. 307 (B)(2), discussion negotiations concerning employees and representatives of employee groups.

Motion by Councilman Owens, seconded by Councilman Dirkschneider to enter into executive session. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Maxey, yes; Davis, yes; Portwood, yes; Olson, yes. Motion passed unanimously.

Entered into executive session at 6:54 p.m.

Motion by Councilman Owens, seconded by Councilman Johnson to come out of executive session. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Maxey, yes; Davis, yes; Portwood, yes; Olson, yes. Motion passed unanimously.

Out of executive session at 7:27 p.m.  
No action taken during executive session.

21. Any Old or New Business ("New Business" is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a ("surprise nature")).

None.

22. Adjournment.

Motion by Councilman Owens, seconded by Councilman Portwood to adjourn this meeting of the Warr Acres City Council. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Maxey, yes; Davis, yes; Portwood, yes; Olson, yes. Motion passed unanimously.

Meeting adjourned at 8:00 p.m.

Respectfully Submitted,

Jenell Robertson  
Asst. City Clerk

MINUTES  
CITY OF WARR ACRES  
PUBLIC WORKS AUTHORITY MEETING  
TUESDAY  
OCTOBER 20, 2009  
7:00 p.m.

(Following completion of regularly scheduled City Council meeting)

**ROLL CALL**

**PRESENT**

Mayor Patrick Woolley  
Vice-Mayor Nancy Olson  
Councilman Dean Johnson  
Councilman Phil Owens  
Councilman David Dirkschneider  
Councilwoman Cathy Maxey  
Councilman Doug Davis  
Councilman Christian Portwood

**ABSENT**

Councilman Michael Gossman

**STAFF PRESENT**

Matthew Love, City Attorney  
Roger Patty, Police Chief  
Rob Carter, Fire Chief  
Mike Turman, Public Works Director  
Jenell Robertson, Asst. City Clerk

1. Call to order, Declaration of a quorum.

Mayor Woolley called the meeting to order at 8:01 p.m. and declared a quorum present.

2. Approve the minutes of the Warr Acres Public Works Authority Meeting of September 15, 2009.

Motion by Councilwoman Olson, seconded by Councilwoman Maxey to approve the minutes of the Warr Acres Public Works Authority Meeting of September 15, 2009. Poll vote: Woolley, yes; Johnson, yes; Owens, abstain; Dirkschneider, yes; Maxey, yes; Davis, abstain; Portwood, yes; Olson, yes. Motion passed.

3. Approve payment of claim in the amount of \$60,486.34 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of September, 2009.

Motion by Councilwoman Maxey, seconded by Councilman Dirkschneider to approve payment of claim in the amount of \$60,486.34 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of September, 2009. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Maxey, yes; Davis, yes; Portwood, yes; Olson, yes. Motion passed unanimously.

4. Approval of payment of claims for the Sewer department.

Motion by Councilman Olson, seconded by Councilman Owens to approve payment of claims for the Sewer Department. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Maxey, yes; Davis, yes; Portwood, yes; Olson, yes. Motion passed unanimously.

5. Adjournment.

Motion by Councilman Dirkschneider, seconded by Councilwoman Maxey to adjourn this meeting of the Warr Acres Public Works Authority. Poll vote: Woolley, yes; Johnson, yes; Owens, yes; Dirkschneider, yes; Maxey, yes; Davis, yes; Portwood, yes; Olson, yes. Motion passed unanimously.

Meeting adjourned at 8:02 p.m.

Respectfully Submitted,

Jenell Robertson  
Asst. City Clerk